

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of May 22, 2007 approved 6/26/07

Members Present: Chairperson Priscilla Remington, Harry Balz, Dan Smith, Curt Castner, Gail Serrine
Absent Joe Dooris, Jason Hill Alternates:

Others Present: Counsel to Boards Mark Schachner, Town Board Member Bob Olson

Guests Present: Robert Conklin, Erin Hayes, Pete and Gerri Groff, Mary and David King, Dan Smith, Kurt Petersen, Kenny Higgins, Eric Isachsen.

PUBLIC HEARINGS:

File # 2007-05AV Tax Map 36.3-3-4 Robert and Sherry Conklin seeking a 30' shoreline setback, a 37.5' rear yard setback and a 2.5' side yard setback variance to construct three (3) decks located at 235 East Shore Dr. In the R1-3.2 acre zone. Lengthy discussion ensued regarding the setback requirements and requests, along with purpose of the 2nd story landing. Harry Balz made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

File # 2007-08AV Tax Map 39.13-2-15 NiskaBeach Association seeking variances for sideyard setback, dock surface area, dock length and dock design to increase dock system from 8 boat slips to 10 boat slips. Parcel located at 1592 Palisades Rd in the R1-1.3 acre zone. Fred Spezza stated that the variance request is now 6' variance for dock length and a 520 sq. ft variance for dock size. Dan Smith questioned the applicant as to the removal of the dock located on the Fisk property line. Fred Spezza stated that the dock on the property line will be removed and there will only be ten (10) dock spaces instead of the original twelve (12) dock spaces for the Association members. After a brief discussion regarding the amount of surface area allowed for Multiple Access Docks, Harry Balz made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

File # 2005-56AV Tax Map 36.15-1-12.1 Erling Asheim seeking two (2) thirty-seven feet six inch (37'6") variances from road frontage to subdivide parcel on East Shore Drive. Erin Hayes, representing the applicant stated that the applicant is aware of the Town Planning Boards recommendation that the variance request be denied but feels that the applicant is seeking the minimum variance request necessary to accomplish a minor subdivision of a nine (9) acre parcel in the R1-1.3 acre zone. Lengthy discussion ensued regarding the County Highway permit for the existing and proposed driveway(s), vegetation, stormwater runoff, neighboring septic and leachfields. Erin Hayes stated that the applicant is requesting relief from this board from road frontage and the issues stated previously would be dealt with under the Planning Boards review. Dan Smith made a motion to close the public hearing, 2nd by Harry Balz. All Ayes

File # 2007-12AV Tax Map 56.5-1-3 Bob and Jane Lewit seeking a 20' shoreline setback and 18' roadway setback and a 4' sideyard setback variance to demolish existing 24' x 32' house, 8' x 24' covered porch and a 19'x 22' deck and replace with a 24' x 48' house and rebuild the 19' x 22' deck. Parcel is located at 7727 State Rte 8 in the R1-1.3 acre zone. Attorney Dan Smith, representing the applicant explained the proposal stating that letters were submitted from neighbors Wells and Denker approving the project. Gail Serrine stated that the

Planning Board recommended approval if the applicant built a 24' x 40' home shifting the house 4' to the west. Eric Isachsen, the applicant's builder stated that he worked with various floor plans felt the 24' x 40' two (2) story home was not sufficient for the needs of the applicant. Lengthy discussion ensued regarding the distance the deck would be from the lake and the building of larger homes on small lots, the view of the new home from the road and the actual square footage of the new home to be constructed. Dan Smith made a motion to close the public hearing, 2nd by Harry Balz. All Ayes

File # 2007-09AV Kenneth and Dawn Higgins seeking a 21' roadway setback variance to build a 12' x 26' lean-to on existing garage. Parcel is located on 212 Pease Hill Rd in the R2-5 acre zone. As there are no comments or questions Dan Smith made a motion to close the public hearing, 2nd by Harry Balz. All Ayes

The Regular meeting of the ZBA was called to order by Chairperson Priscilla Remington. Harry Balz made a motion to accept minutes, 2nd by Curt Castner. All Ayes

UNFINISHED BUSINESS:

File # 2007-05AV Tax Map 36.3-3-4 Robert and Sherry Conklin seeking a 30' shoreline setback, a 37.5' rear yard setback and a 2.5' side yard setback variance to construct three (3) decks located at 235 East Shore Dr. In the R1-3.2 acre zone. Dan Smith stated that the applicant is requesting that the 2nd story landing is the minimum variance needed to seek relief and is reasonable. Lengthy discussion ensued regarding the mean high water mark and the closeness of the deck(s) to the property line. Harry Balz made a motion to grant the 11' sideyard setback variance and the 30' shoreline setback variance as denoted on latest drawing submitted 5/22/07 as there is no undesirable change to the character of the neighborhood or detriment to nearby properties. The benefits sought by the applicant can not be achieved by other means as this is an emergency exit. The variance is substantial but design has been altered to meet the minimum area allowed per NYS building codes. The request will not have an adverse effect on the physical or environmental conditions of the neighborhood. The request was somewhat self created but only practical way to accomplish the emergency exit with the condition that the decks are not to be enclosed. After a brief discussion, Priscilla Remington stated that Warren County Planning Board recommend No County Impact with the condition that appropriate stormwater and erosion control measures are implemented to minimize impacts on the lake. Motion was then 2nd by Gail Sirrine. All Ayes.

File # 2007-08AV Tax Map 39.13-2-15 NiskaBeach Association seeking variances for sideyard setback, dock surface area, dock length and dock design to increase dock system from 8 boat slips to 10 boat slips. Parcel located at 1592 Palisades Rd in the R1-1.3 acre zone. After a brief discussion, Dan Smith made a motion to grant the variance request of 6' dock length, 520 sq. ft for dock surface area and variance request for dock design as there is no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant can not be achieved by other means, The variance is not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the request was not self created, 2nd by Harry Balz. All Ayes.

File # 2005-56AV Tax Map 36.15-1-12.1 Erling Asheim seeking two (2) thirty-seven feet six inch (37'6") variances from road frontage to subdivide parcel on East Shore Drive in the R1-1.3 acre zone. Brief discussion ensued regarding the issues before this board and the parcels road frontage and acreage along East Shore Dr. Gail Sirrine made a motion to approve the two (2) road frontage variances as there is no undesirable change to the

character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant can not be achieved by other means, the variance requests are not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, the request was not self created in terms of road frontage, 2nd by Dan Smith. The board was polled. Gail Sirrine Aye Dan Smith Aye Priscilla Remington Aye Curt Castner Aye Harry Balz Nay. The motion was passed by majority vote.

File # 2007-12AV Tax Map 56.5-1-3 Bob and Jane Lewit seeking a 20' shoreline setback and 18' roadway setback and a 4' sideyard setback variance to demolish existing 24' x 32' house, 8' x 24' covered porch and a 19'x 22' deck and replace with a 24' x 48' house and rebuild the 19' x 22' deck. Parcel is located at 7727 State Rte 8 in the R1-1.3 acre zone. Mark Schachner stated that the Town Planning Board has recommended approval of the variances on the condition that the applicant shift the house four feet (4') to the west and reduce the size of the home to 24' x 40'. Dan Smith, Attorney representing the applicant stated that the applicant is willing to shift the house four feet (4') to the west but not willing to reduce the size of the two (2) story home from 24' x 48' to 24' x 40'. Priscilla Remington stated that the Warren County Planning Board recommends No County Impact with the condition that appropriate stormwater and erosion control measures are implemented. ZBA Member Dan Smith stated that one of the criteria this board will review is character of the neighborhood as summer homes are being converted to larger homes and whether that is a detriment to the town's development for the area as residents want minimal growth. Lengthy discussion ensued regarding the impact of the second story and the Planning Board's recommendation. Gail Sirrine made a motion to approve the variance request or 20' shoreline and 18' roadway setback as there is no undesirable change to the character of the neighborhood or detriment to nearby properties as letters from neighbors were received and there were no objections, the benefits sought by the applicant can not be achieved by other means, the variance is substantial, but new home will not encroach any closer to the lake, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, the request was not self created, 2nd by Harry Balz. All Ayes.

File # 2007-09AV Kenneth and Dawn Higgins seeking a 21' roadway setback variance to build a 12' x 26' lean-to on existing garage. Parcel is located on 212 Pease Hill Rd in the R2-5 acre zone. After a brief discussion, Curt Castner made a motion to approve the 21' roadway setback variance as there is no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought by the applicant can not be achieved by other means, the variance is not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood, the request was not self created, 2nd by Dan Smith. All Ayes.

NEW BUSINESS:

File # 2007-15AV Tax Map 55.10-1-1 Petersen Family Ltd Partnership seeking and area variance to construct a 8'x 20' floating dock with a 4' x 16' gangway for access on parcel located at 769 Palisades Rd. Gary McMeekin stated that the dock exceeds six feet (6') in width. Lengthy discussion ensued regarding the shape the dock and gangway needs to be to conform to the regulations. Harry questioned the applicant as to the difference the two feet (2') would make. The applicant stated that a wider floating dock is more stable. Harry Balz made a motion to deem the application complete, schedule a public hearing not referring this to the Town Planning Board, 2nd by Curt Castner. All Ayes.

There being no further business before the board, Chairperson, Priscilla Remington adjourned the meeting at 9:40 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary